<u>REMARKS</u>

I.   <u>Introduction</u>

In response to the Office Action dated September 12, 2007, claims 1, 14, 27, and 31 have been amended. Claims 1-32 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II.   <u>Priority Claim</u>

Applicants have requested a certified copy of the priority application and will submit the copy upon receipt.

III.   <u>Drawing Objections</u>

In paragraph (2) of the Office Action, Figure 4 was objected to as follows:

> because of the reference characters "application data and frame data" have been used to designate both labels 403 and 412 in figure 4 and it appears that the applicant has three separate figures and does not properly show the relationship.

Applicants respectfully disagree with and traverse the objection.

Applicants first direct the attention of the Patent Office to paragraph [0041] of the application as filed:

> [0041] The contents of main memory 206 subsequent to the instruction processing of step 303 and image data acquisition of step 304 are further detailed in FIG. 4.

Thus, as illustrated, the top portion of FIG. 4 is directed towards the contents of main memory 206. Further, also as illustrated in the top portion 206 of FIG. 4, application data 403 and frame data 412 are present. The lower two portions of FIG. 4 illustrate the contents of application data 403 and frame data 412 as can clearly be seen by the labels. Following is a copy of FIG. 4 (as filed) in which Applicants have provided arrows showing the different labels used
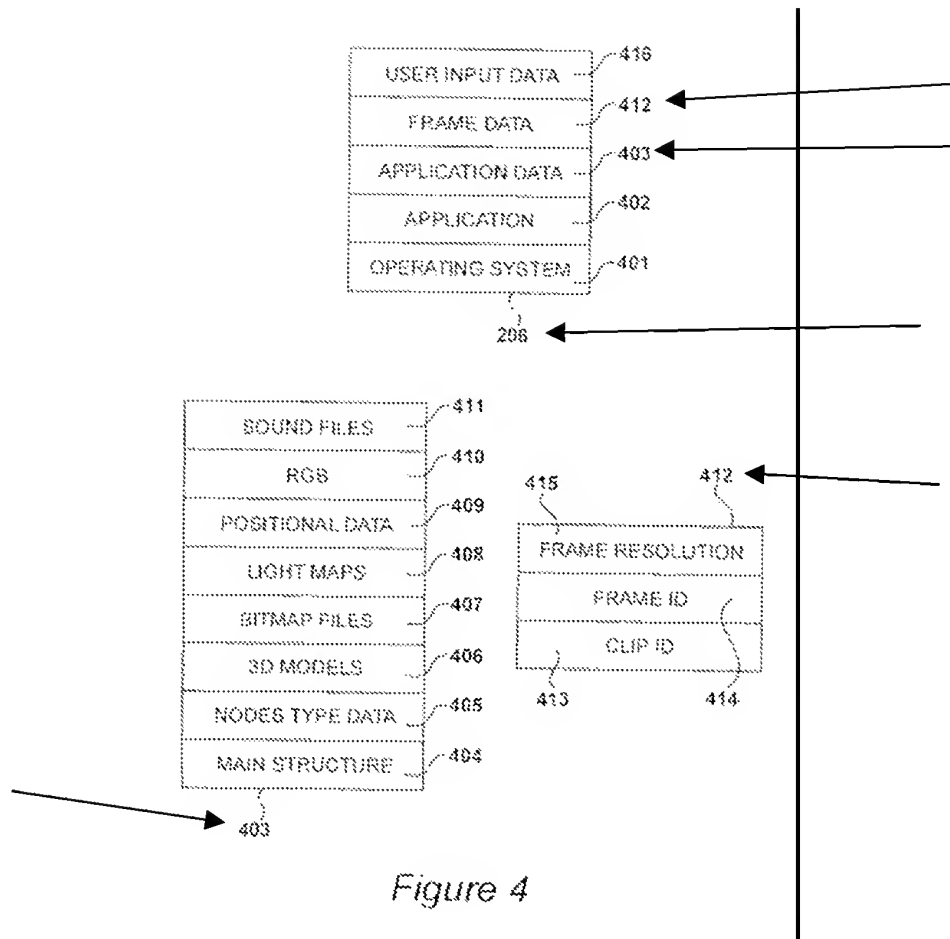
Figure 4

As can be clearly seen, both application data 403 and frame data are within main memory 206. Further, the components of application data 403 are illustrated in the lower left figure and the contents of frame data 412 are illustrated in the lower right figure.

Paragraph [0044]-[0048] describes some of the contents of the main memory:

[0044] Application data is shown at 403 and comprises various sets of user input-dependent data and user input-independent data according to which the application shown at 402 processes image data. Said application data primarily includes main structure data 404, which references the entire history of the image data as loaded at step 304 and comprehensively defines each component within an image frame in terms of hierarchically-structured data processing nodes, an example of which will be

described further below. Accordingly, application data 403 also includes data 405 defining the various types of data processing nodes present within the structure or which may be inserted therein as a consequence of image data editing.

[0045] Further to the main structure data 404 and nodes definition data 405, application data 403 includes node data 406 to 411 to be processed in order to generate the current image frame, i.e. the parameters and data which, when processed by their respective data processing nodes, generate the various components of said image frame.

[0046] In the example, node data comprises three-dimensional models 406 defined as a plurality of polygons or possibly non-uniform rational B-splines (NURBS). Node data also comprises bitmap files 407 to be applied as textures to said three-dimensional models 406 wholly or partially, and lightmaps 408.

[0047] Node data also comprises three-dimensional positional data 409, possibly in the form of vectors, to define scaling and tracking of said three-dimensional models 406 within a three-dimensional space. Node data also comprises RGB data 410 defining an image frame derived from film and digitally stored in RAID 104. Node data finally comprises sound files 411, for instance the portion of clip soundtrack corresponding to the image frame being edited. It will be easily understood by those skilled in the art that the above data types are for illustrative purposes only and the list described is non-exhaustive. Said data types relate to the type of data processing nodes required to define and generate the image frame components. There is currently a very large number of possibilities for data types, and in the future there may be an almost unlimited number.

[0048] Frame data is shown at 412, which comprises user input independent data defining image frames acquired from frame store 104. Each frame is defined by a ClipID 413 referencing a clip of frames and a FrameID 414 referencing a frame within said clip. Frame data 412 also includes frame resolution 415 indicating the frame size in terms of picture screen elements, known to those skilled in the art as pixels, such that application 402 may appropriately configure output data for display at full resolution.

As can clearly be seen by the above text, a relationship between labels 403 and 412 exists and no replacement sheet is necessary.

In view of the above, Applicants respectfully request withdrawal of the objections.

IV. Specification Objections

In paragraph (3) of the Office Action, the title was objected as being non-descriptive. Applicants have amended the title as suggested by the Examiner and submit that the rejection is now moot.

V. Double Patenting Rejection

In paragraphs (4)-(5) of the Office Action, claims 1-32 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of Application No. 10/818,530 ('530) and claims 1-33 of Application No. 10/403,062 ('062).

Applicants acknowledge the double patenting rejection. However, Applicants respectfully traverse the double patenting rejection. As can clearly be seen by the claims in the '530 case and the '062 case, the subject matter of those cases are not even remotely similar to the presently claimed invention. In this regard, the '063 application has issued as U.S. Patent no. 7,016,011 on 3/21/06 and the issued independent claim 1 provides:

> 1.   Apparatus for processing image data comprising storage means, processing means, manually operable input means and display means, wherein said storage means are configured to store said image data and instructions and said processing means are configured by said instructions to perform the steps of
> configuring at least one user-operable representation of at least one image data-processing function defined by said instructions with an adjustable opacity, wherein the user-operable representation is created and processed as a three-dimensional object;
> adjusting said opacity of said representation in response to user input received from said manually operable input means;
> blending said representation and said image data to generate blended image data; and
> outputting said blended image data to said display means.

As can be seen, the present claims ability to select a particular node based on a selected component is not obvious in view of a claim directed towards adjusting opacity and blending a representation.

Further, one independent claim of the '530 case provides:

> 1.   Apparatus for processing image data, comprising storage means, processing means and manual input means, wherein said storage means is configured to store said image data and said image data includes a plurality of components defined by a hierarchy of data processing nodes, and said processing means is configured to process each of said nodes in turn, wherein:
> said nodes include standard nodes and switch nodes, each switch node having at least two child nodes one of which is the designated child node of said switch node; and
> said processing means is configured to:
> process a standard node only when each of its child nodes has been processed, and
> process a switch node when only its designated child node has been processed.

As can be seen, the present claims ability to select a particular node based on a selected component is not obvious in view of a claim directed towards standard and switch nodes and processing a standard node only when each of its child nodes has been processed.

In view of the above, Applicants respectfully request withdrawal of the double-patenting rejection.

Nonetheless, Applicants reserve the right to submit a terminal disclaimer at such time as allowable subject matter in the present invention has been identified.

VI.   Prior Art Rejections

In paragraphs (6)-(7) of the Office Action, claims 1-32 were rejected under 35 U.S.C. §102(a) as being anticipated by Trinh et al., U.S. Publication No. 2002/0051005 (Trinh).

Specifically, independent claims 1, 14, 27, and 31 were rejected as follows:

> As to independent claims 1, 14, 27, and 31 (e.g. apparatus, method, system, computer-readable medium, etc), Trinh teaches apparatus for processing image data (par [0009]) comprising processing means (Abstract, lines 1-3; fig. 1, label 103; par [0027], lines 1-5), input means (fig. 1, labels 105, 106: par [0027], lines 9-15) and display means (fig. 1, label 104; par [0027], line 11), wherein said image data is defined by a plurality of data processing nodes arranged in a hierarchical structure and said processing means is configured to perform the steps of (Abstract):
>
> generating a first image frame (fig. 5, label 503; par [0037]) comprising a plurality of components (fig. 7, label 711; par [0046], lines 1-3) by means of processing said plurality of data processing nodes (fig. 8, labels 805-808, 810; par [0049]-[0050];
>
> outputting said first image frame to said display means (fig. 1, label 104; par [0027], line 11; fig. 8, label 827; par [0050], lines 21-22);
>
> receiving, via said input means (fig. 1, labels 105, 106: par [0027], lines 9-15), first user input data indicating one of said plurality of components (fig. 7, label 711);
>
> selecting a first data processing node considered to be appropriate to said indicated component (par [0056]);
>
> generating a second image frame (fig. 5, label 507) comprising said plurality of components (fig. 7, label 711; par [0046], lines 1-3) and further comprising tools relevant to said first data processing node (par [0056], lines 6-8);
>
> and outputting said second image frame to said display means (fig. 1, label 104; par [0027], lines 11; fig. 8, label 827; par [0050], lines 21-22).
>
> Trinh teaches computer-readable medium comprising a computer program storage device (fig. 1, label 212) storing instructions that when read and executed by a computer, results in the computer performing a method for processing image data (par [0031]).

Applicants first note that Trinh is commonly owned with the present invention. Accordingly, should the rejection be converted to a 35 USC §103 based rejection, Applicants reserve the right to submit a statement of common ownership to overcome the rejections.

Applicant traverses the 102 based rejections for one or more of the following reasons:

(1)   Trinh does not teach, disclose or suggest selecting a data processing node considered to be appropriate to a selected/indicated component;

(2)   Trinh does not teach, disclose or suggest performing the selecting of a node in response to a user selecting/indicating a specific component of an image frame; and

(3)   Trinh does not teach, disclose or suggest displaying editing tools relevant to an identified node.

Independent claims 1, 14, 27, and 31 are generally directed to selecting nodes relevant to a graphical component. More specifically, a plurality of processing nodes are used to produce and

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display a first image frame comprised of a plurality of components. The user then indicates/selects a particular component from the displayed components. In response to the indicating/selecting, the system automatically selects a particular data processing node that is considered appropriate for the indicated/selected component. Thereafter, editing tools that are relevant to the particular selected processing node are displayed.

The cited references do not teach nor suggest these various elements of Applicants' independent claims.

In rejecting the selecting and displaying steps, the Office Action relies solely on paragraph [0056] of Trinh which provides as follows:

> [0056] The render process 1003 commences with the application of the steps of FIG. 11 to the output node 813. Within the flowchart, the same steps are recursively applied to other nodes in the process tree 800, as necessary. At step 1101 the node receives an output frame requirement in the form of a request for a particular frame. The frame is requested by specifying a frame number, that is relative to the first frame of the output clip. This frame number is supplied to the requirement processing 823 of the selected node. At step 1102 a question is asked as to whether the output buffer 822 is valid for the requested frame number. If the output buffer contents are valid for that frame number, this completes rendering for the selected node.

As can be seen from this text, Trinh provides for receiving an output frame requirement in the form of a request for a particular frame number. If the output buffer is valid for the request frame number, rendering for a selected node is completed. Such a teaching is not even remotely relevant to the presently claimed limitations for which it is relied upon. Namely, nowhere is there a selection of a component of an image frame. Instead, Trinh specifies a frame number.

In addition, the claim limitation provides that in response to such a selection, a processing node is selected. Instead of teaching such a limitation, Trinh provides for specifying a frame number that is equivalent to an output frame requirement for a particular node. Such a teaching is not a selection for a node based on a selection of a component of an image frame.

Lastly, the present claims provide for displaying editing tools that are relevant to the data processing node that has been identified. Nowhere in paragraph [0056] or the remainder of Trinh is there any such display of relevant editing tools as claimed.

In view of the above, Applicants submit that there is no possible manner for Trinh to render the present claims as lacking novelty under 35 USC 102. Accordingly, the rejection fails to set forth a prima facie rejection and is in error. In addition, for the reasons stated above, Trinh also fails to render the present claims obvious under 35 USC §103.

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Moreover, the various elements of Applicants' claimed invention together provide operational advantages over Trinh. In addition, Applicants' invention solves problems not recognized by Trinh.

Thus, Applicants submit that independent claims 1, 14, 27, and 31 are allowable over Trinh. Further, dependent claims 2-13, 15-26, 28-29, and 32 are submitted to be allowable over Trinh in the same manner, because they are dependent on independent claims 1, 14, 27, and 31, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-13, 15-26, 28-29, and 32 recite additional novel elements not shown by Trinh.

VII.   Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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